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4 P.O. Box 683  
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5 202-616-2885 (v)  
202-307-0054 (f)  
6 E.Carmen.Ramirez@usdoj.gov  
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7 Of Counsel:  
8 NICHOLAS A. TRUTANICH  
United States Attorney

9  
10 IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14  
15 JEFFREY A. MARTINEZ, individually,  
and as Trustee of the Martinez Family Trust;  
16 DOLORES M. MARTINEZ, individually and  
as Trustee for the Martinez Family Trust;  
17 THE MARTINEZ FAMILY TRUST;  
MARTINEZ & ASSOCIATES, INC.  
18 (NV20041370692); MARTINEZ &  
ASSOCIATES INC. (NV20181033912);  
19 SIERRA MORTGAGE CORPORATION;  
FIDELITY NATIONAL TITLE; CHASE  
20 MORTGAGE COMPANY; JP MORGAN  
CHASE BANK NATIONAL  
21 ASSOCIATION; NEVADA  
MORTGAGEE ASSISTANCE COMPANY,  
22 LLC; THE COOPER CASTLE LAW FIRM,  
LLP; RHODES RANCH ASSOCIATION; and  
23 REPUBLIC SILVER STATE INC., DBA,  
REPUBLIC SERVICES,

24  
25 Defendants.

Case No.: 2:19-cv-1986-GMN-DJA

**UNITED STATES' MOTION  
TO CONTINUE FED. R. Civ. P. 26(f)  
CONFERENCE AND RELATED  
EVENTS**

**(First request)**

1 The United States of America hereby moves to continue the Fed. R. Civ. P. 26(f)  
2 conference deadline. Under LR 26-1, the plaintiff must initiate a Rule 26(f) conference within  
3 30 days after the first defendant appears. The first defendant appeared on January 8, 2020 (ECF  
4 No. 4), so the time for the conference would run on February 7, 2020. However, to date only one  
5 defendant has answered, and two defendants have not yet been served (and the time for doing so  
6 has not expired). The case centers on the conduct of defendants Jeffrey and Dolores Martinez,  
7 who have been served but have not appeared. The United States thus requests that the Rule 26(f)  
8 conference deadline be extended to March 9, 2020 (30 days plus one additional day, as 30 days  
9 falls on a Sunday), or, if Mr. or Ms. Martinez appears in the next thirty days, for the conference  
10 deadline to be extended for 30 days from the date of the appearance.

## 11 **MEMORANDUM OF POINTS AND AUTHORITIES**

### 12 *Background*

13 This is a federal tax case. The United States seeks judgment against taxpayers Jeffrey  
14 and Dolores Martinez, and against two businesses they controlled, for various federal taxes. The  
15 United States also seeks to foreclose its tax liens against certain real property to help satisfy the  
16 judgment. The United States also named as defendants other parties that might assert a lien or  
17 other claim against the property. *See* 26 U.S.C. § 7403(b), Action to enforce lien or to subject  
18 property to payment of tax. That way, those parties' claims (if any) could be adjudicated if and  
19 when the Court determined that the property should be foreclosed. It is common in such cases  
20 for the United States to reach stipulations with other claimants as to lien priority, to the extent  
21 they do not disclaim any interest.

22 The United States submits that it is premature to conduct the Rule 26(f) conference at this  
23 date. Neither of the Martinezes have appeared to date. The United States served them,  
24 individually and as representatives of their businesses, on December 27, 2019. Their time to  
25 respond to the complaint thus expired on January 17, 2019 (Fed. R. Civ. P. 12(a)(1)(A)(i), and

1 the United States anticipates seeking an entry of default and default judgment against them if  
2 they do not file an answer or other response. (In an abundance of caution, the United States is  
3 mailing them a copy of this motion.)

4 To date only one of the potential lienholders, the Rhodes Ranch Association, has  
5 answered the complaint. (ECF No. 4). Another, Fidelity National Title, has disclaimed any  
6 interest. (*See* ECF No. 7). The United States has been in touch with counsel for defendants JP  
7 Morgan Chase Bank National Association and Chase Bank National Association (together, the  
8 “Chase defendants”), and the parties are conferring as to whether they can reach a stipulation as  
9 to lien priority between them without discovery or further litigation. The Chase defendants have  
10 not yet answered.<sup>1</sup> Defendant Republic Silver State Inc. has been served but has not yet  
11 appeared, and has not contacted the United States.

12 Finally, the United States has not yet served two of the potential claimants, Nevada  
13 Mortgage Assistance Company and the Cooper Castle Law firm. The time to serve them has  
14 not yet expired, although, in an abundance of caution, the United States is filing a separate  
15 motion to extend the time for service. However, initial research and discussions with counsel for  
16 the Chase defendants suggests that these two entities are no longer in business, and that the  
17 Chase defendants may be their successors in interest or the real parties in interest.

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25 <sup>1</sup> The United States has conferred with counsel for Rhodes Ranch Association and the Chase  
defendants. Neither of them oppose this motion.

1 ***Request for Relief***

2 Under the circumstances, the United States respectfully submits that it is premature to  
3 conduct a Rule 26(f) conference. The United States therefore requests that the deadline for the  
4 Rule 26(f) conference be continued for 30 days from the current due date (plus one day, as 30  
5 days falls on a Sunday), *i.e.*, extended to March 9, 2020. If Mr. or Ms. Martinez appears in the  
6 next thirty days (either individually or on behalf of their businesses), the United States requests  
7 that the deadline for the Rule 26(f) conference be set to 30 days from the date of the appearance.

8 Dated this 29th day of January, 2020.

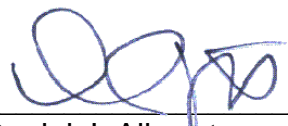
9 RICHARD E. ZUCKERMAN  
10 Principal Deputy Assistant Attorney General

11 /s/ E. Carmen Ramirez  
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21 Of Counsel:

22 NICHOLAS A. TRUTANICH  
23 United States Attorney

24 IT IS SO ORDERED:

25   
Daniel J. Albregts  
United States Magistrate Judge

Dated: January 31, 2020

1 **CERTIFICATE OF SERVICE**

2 IT IS HEREBY CERTIFIED that service of the foregoing is made this January 29, 2020,  
3 via the Court's ECF system to all current parties who have appeared electronically. In an  
4 abundance of caution, the United States is sending this motion to the following additional parties  
5 via U.S. Mail:

6 Jeffrey Martinez  
7 262 Cliff Valley Dr.  
8 Las Vegas, NV 89148

9 Dolores Martinez  
10 262 Cliff Valley Dr.  
11 Las Vegas, NV 89148

12 Justin Grim  
13 McCalla Raymer Leibert Pierce, LLP  
14 1635 Village Center Circle, Suite 130  
15 Las Vegas, NV 89134

16 *Counsel for Defendants JP Morgan Chase Bank N.A.*  
17 *and Chase Mortgage Company*

18 /s/ E. Carmen Ramirez  
19 E. CARMEN RAMIREZ  
20 Trial Attorney, Tax Division  
21 U.S. Department of Justice  
22  
23  
24  
25